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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,968	07/07/2003	Takao Miyazaki	Q76146	4709
7590 05/26/2005 SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC 2100 Pennsylvania Avenue N.W. Washington, DC 20037-3202			EXAMINER NOLAN JR, CHARLES H	
			ART UNIT 2854	PAPER NUMBER

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/612,968

Applicant(s)

MIYAZAKI, TAKAO

Examiner

Charles H. Nolan, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-25 and 30-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-25 and 30-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/731,029.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 21-22,24 and 31 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Jones (5,468,080).

With respect to Claims 21 and 31, Jones teaches the printing device in the Title, the bag printed by the printing device in column 1, lines 28-31, the goods-wrapping apparatus in column 1, lines 5-8 the first mark 125 on the bag in figure 7 indicating that the printing content is printable (okay to print; proper registration) in column 6, lines 35-38 and that the first mark indicates a transport direction to the printing device in column 7, lines 9-15. With respect to Claims 22,24, Jones teaches a second mark(barcode) indicating a material for the bag (inside the bag; white socks) in figure 7.

3. Claims 25, 30 and 32 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Kimura.

With respect to Claim 25 and 32, Kimura teaches the printing including printhead 3 in figure 3, the bag 4(to be used in a wrapping apparatus) comprising a top surface 4 which the print head 3 faces and a bottom folded surface in his figures. (Note, especially the portion of the bag under the printer 3 in figure 3). Further, Kimura teaches the bag 4

of Kimura has a layer adopted to be printed by a printing technology 3 in figure 3 and the Constitution of the Abstract. With respect to Claim 30, Kimura teaches the first end and the second end in figure 2.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view Kimura.

With respect to Claim 23, Jones teaches all the claim limitations except that the first mark is a barcode. Kimura teaches that the first mark is a bar code in the Purpose and Constitution of the Abstract. It would have been obvious to one of ordinary skill in the art to replace the single mark of Jones with the barcode of Kimura because barcodes can convey more information than the single mark of Jones.

Response to Arguments

6. Applicant's arguments with respect to claims 21-24 and new claim 31 have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's arguments filed 4-29-05 have been fully considered but they are not persuasive. Applicant essentially argues in the response dated 4-29-05 that the bag of Kimura in figures 2 and 3 is not folded as required by claims 25,30 and new claim 32. The most reasonable interpretation of the bag in figures 2 and 3 of Kimura is that the


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bag is folded. In order to arrange the bag in figures 2 and 3, one must fold it onto itself much like a photographic print bag is folded.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles H. Nolan, Jr. whose telephone number is 571-272-2171. The examiner can normally be reached on Monday through Thursday 8:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on 571-272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Charles H Nolan, Jr.
Primary Examiner
Art Unit 2854

CHN